IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

Crl.MC.No. 245 of 2007()

CMP.3/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT, THALASSERY
CRIME NO. 14/07 OF THALASSERY POLICE STATION

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PETITIONER:

DR.T.N. PRASANNA BAI, GYNEACOLOGIST,
CIVL SURGEON (RETD.) INDIRA GANDHI
CO-OPERATIVE HOSPITAL, THALASSERY.

BY ADV. SRI.T.A.RAMADASAN
SRI.T.G.RAJENDRAN

RESPONDENTS:
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1. N. SHEELA, W/O.RAMESAN,
KALLUKKOTTIYIL, ERANHOLI AMSOM
MADATHUMBHAGOM DESOM, VADAKKUMBAD P.O.,
THALASSERY.

2. S.I. OF POLICE, THALASSERY.

3. STATE REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R2 & 3 BY PUBLIC PROSECUTOR SRI.S.U. NAZAR
R1 BY ADV. SRI.B.PREMNATH (E)

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 30/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 245 of 2007

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Dated this the 30th day of May, 2007

O R D E R

The petitioner is a medical practitioner and against her the respondent/complainant has filed a private complaint, which has been referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. Consequently Annex.IV F.I.R. has been registered. Investigation is in progress.

2. The petitioner has come to this Court raising a grievance that the complaint is not justified and amounts to abuse of process of the Court against her. It is submitted that the petitioner is not in any way guilty and if the complainant is dissatisfied with the professional service allegedly rendered by the petitioner to the complainant, easy resort to the criminal adjudicatory process should not be allowed.

3. The application is opposed by the learned counsel for the defacto complainant. He contends that valid allegations have been raised against the petitioner and the matter deserves to be considered by the authorities in accordance with law.

4. The learned Prosecutor submits that there is no merit in the apprehension of the petitioner that Annex.V instructions as to how allegations against a medical practitioner should be dealt with will not be followed. All stipulations will be followed meticulously before any final conclusion is drawn against the petitioner. The needful shall be done and all relevant stipulations shall be observed in letter and spirit, undertakes the learned Prosecutor. I accept the submissions of the learned Prosecutor. I have no reason to assume that Annex.V or other valid stipulations of law will not be followed by the Investigator.

5. This Crl.M.C. is hence dismissed accepting the submissions of the learned Prosecutor.

(R. BASANT)
Judge

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